

**MINUTES FOR JANUARY 7, 2010**  
**MEETING OF THE PEDESTRIAN AND TRAFFIC SAFETY ADVISORY COMMITTEE**

**Members Present:** Ramin Assa; John Britton; Justin Clarke, MNCPPC ; James D’Andrea, MCPS; Richard Romer representing Councilmember Ervin; Steve Friedman; Ken Hartman, BCC Regional Service Center; Al Roshdieh, representing Arthur Holmes, MCDOT Director; Lt. James Humphries, MCPD; Erwin Mack, Chair; Alan Migdall; Colleen Mitchell; Alyce Ortuzar, Jack Strausman

**Members Absent:** Doris Depaz; Peter Moe, MSHA; Bill Bronrott, Vice-Chair

**County Staff:** Tom Pogue, Community Outreach, MCDOT; Jeff Dunckel, Pedestrian Safety Coordinator, MCDOT; Fred Lees, MCDOT-DTEO; Brett Linkletter, MCDOT-DHS; Sara Navid, MCDPS; Lynn, McCreary, DHCA Code Enforcement; Mike Clemens, Asst Chief FRS; Mike Love, Chief FRS; Ed Radcliffe, Assistant Chief, DFRS

**Guests:** George Sauer, Resident; Richard Hoye, ACT; Debbie Nixon, Resident (via Conference Call)

- 1.) Committee Business: Erwin H. Mack, Chair  
Review Minutes from November Meeting – Approval/Changes
- 2.) Subcommittee Reports, Updates, and Recommendations:
  - Annual Report Colleen Mitchell
  - Innovative Pedestrian Signal Engineering Alan Migdall
  - Speed Humps John Britton
  - BRAC – Medical Center Access Jack Strausman/Bill Bronrott/Justin Clarke
  - Bicycle Access and Safety Peter Moe/Steve Friedman
- 3.) Landscaping in the Public Rights-of-way – Maintaining Access Lynn McCreary/Sarah Navid/Brett Linkletter
- 4.) Welcome to the Chiefs of Montgomery County Fire and Rescue  
Richard Bowers, Chief, Montgomery County Fire and Rescue  
David Steckel  
Steve Lohr  
Randy Wheeler  
Michael Love  
Scott Graham
- 5.) Meeting with County Executive – February 2, 7:00 pm Committee
- 6.) New Business/Committee Comments: Committee  
New Business: Council Proposal Sidewalk Hearing  
Next Scheduled Meeting Date: March 4, 2010
- 7.) Adjourn

**1. Committee Business:**

Chairman Erwin Mack called the meeting to order at 7:01 pm.

**Review of November Minutes:** Jeff Dunckel explained that the minutes were becoming very lengthy, and that future minutes would be more of a summation of the meeting than a transcript. Mr. Dunckel kept November minutes to 3 1/2 pages. The draft minutes were sent to committee at the end of November for comments. There was a long discussion with the Chiefs of Police, predominantly on the bicycles.

**MOTION:** Motion to accept the November 5, 2009 minutes as drafted was moved, seconded, and approved unanimously.

Tom Pogue mentioned that staff makes a recording of these meetings and can share the recording with members or other interested parties if there are issues or questions regarding a meeting.

Erwin Mack congratulated John Britton on his recent reelection to the Rockville City Council; Mr. Britton will be able to continue serving on the PTSAC for another term as a Rockville Councilmember (Mr. Britton serves the PTSAC as a representative of the Municipal League – comprised of all Municipal elected officials.)

## **2. Subcommittee Reports, Updates and Recommendations:**

### ***Annual Report - Colleen Mitchell***

The Committee's Annual Report has been submitted. Colleen Mitchell obtained input from the committee in November; the document is an outline of the PTSAC goals and items it worked on in 2009. The Committee will present it to the County Executive on February 2 when the PTSAC is scheduled to meet with Mr. Leggett.

### ***Innovative Pedestrian Signal Engineering - Alan Migdall***

Alan Migdall had a meeting with Park & Planning to learn about what tools are available for modeling pedestrian movements. There is no inventory of sidewalks available at MNCPPC. MCDOT and MNCPPC do not know what each agency has. Migdall believes everyone needs to be on same page. At this point it's hard to come up with definitive guidelines for modeling pedestrian movements. Migdall would like to model what is going on at a level where the pedestrian system is used. We get a lot of improper behavior because of the pedestrian network not being there. If we define where all the legal places for pedestrians to be are located, then the gaps can be defined. We could use some data that we could address some of these issues.

The revised Manual on Uniform Traffic Control Devices (MUTCD) has been issued; Mr. Migdall felt it would be useful to have an expert on these new guidelines come speak to committee to make a presentation on status of the guidelines. Fred Lees explained that the Federal Highway Administration has a manual and Maryland State gets most of its guidelines from the Federal manual. The Federal allows a lot of engineering judgments, providing latitude for jurisdictions to apply their own standards. Until Maryland adopts a new version we are using the previously issued Maryland Manual of Uniform Traffic Control manual. Mr. Lees will try to find someone from Federal highway for Mr. Migdall to speak with.

### ***Speed Humps - John Britton***

Mr. Britton gave an update on the status. Previously, the PTSAC was discussing whether this was an issue for further discussion. This issue, along with other traffic calming measures are under consideration by Councilmember Andrews. The speed camera program was been discussed in context with this effort to calm traffic. Mr. Britton has not yet looked into where the County Council is in this process.

### ***BRAC – Medical Center Access - Jack Strausman/Justin Clarke***

A Letter and matrix have been submitted to those who requested it at County Council. The letter and matrix resulted from looking at the WMATA report with five options for pedestrian access to the Medical Center station (in the meeting packet). MCDOT then filed a grant application for a sixth option for a multi-modal underpass – the group then looked at that. The group attended a meeting with the County where they explained the additional option. The subcommittee prepared this letter with what the group thought needed to be taken into consideration, since all the information was not available. Mr. Strausman hopes when planning goes further, the agencies will take into consideration these factors.

Justin Clarke reviewed the matrix for the PTSAC. A higher score was better than an option with a lower score. Three general criteria were used for ranking: high, medium, and low. Steve Friedman wanted to know what "Bicycle Accommodation" means in the ranking - - how it was defined. Mr. Friedman wanted to be sure that bikes and pedestrian have separate accommodations. There is a difference between commuting cyclist and recreational cyclist. Both need to have bike accommodations. Alyce Ortuzar pointed out that hiker and bikers don't always mix - - they need to have separate accommodations. Mr. Friedman asked that future correspondence on the issue point out the need for bicycle accommodation. Ken Harman stated that the group advising the County on BRAC has envisioned a seamless connection for cyclists where they can bicycle from on side of MD355 to the other without getting off their bikes.

**Mr. Mack said it would be appropriate to vote to accept that this will be the answer to the Council on Medical Center Access. There was a 2<sup>nd</sup> motion by Alyce. No further discussion.**

**Mr. Dunckel proposed an amendment to request Mr. Friedman to draft a follow-up letter addressing the need for**

bike accommodations to send to Council. Mr. Friedman agreed. Ms. Ortuzar seconded the amendment and the Committee agreed.

**MOTION:** Motion as amended, was made and seconded to approve the letter and matrix as submitted to the County Council on Medical Center Access. The motion, passed unanimously.

***Bicycle Access and Safety (BAS) – Steve Friedman***

Mr. Friedman reviewed the history of the BAS subcommittee recommendations. Mr. Friedman identified three primary issues. The subcommittee would hope these could be provided to Delegate Bill Bronrott for consideration at the next legislative session in Annapolis. The issues are 1) the 3-foot passing law; 2) repeal of the mandatory use of shoulder law; and 3) clarification of use of crosswalks by bicyclists - - amending of the code to allow cyclists to ride in crosswalks. Mr. Friedman wants to draft a letter for the committee to review that would provide guidance for those legislators concerned with these issues. Mr. Friedman thought the letter could be drafted in a week, and then the PTSAC could review it.

**MOTION:** Mr. Friedman made a motion that he would craft a letter that will highlight the three bicycle access issues for the committee to review: the 3-foot passing rule; the repeal of mandatory use of shoulder rule; and the cyclists in the crosswalk rule. This letter will provide guidance to Delegate Bill Bronrott and other delegates for legislation addressing these issues. This letter is in addition to the subcommittee report to be presented to the full PTSAC in the future. The motion was seconded and approved unanimously.

**3. Landscaping in the Public Rights-of-way – Maintain Access: Lynn McCreary/Sarah Navid/Brett Linkletter**

Debbie Nixon (connected by speaker phone) had first approached the PTSAC last September to address the issue of landscaping impeding the safe passage of pedestrians on sidewalks and the public right of way (ROW). Ms. Nixon explained that she had been injured last summer while riding on her scooter on a sidewalk along Rockville Pike. This incident involved vegetation in front of the Original Pancake House. Since this incident, the shrubs have all been removed. Her concern is so many of these shrubs are blocking sidewalk access throughout the County.

Mr. Lees agreed that landscaping in the ROW impeding sidewalks was an issue. Mr. Dunckel had arranged for several representatives in the County involved with keeping the public ROW safe and clear for pedestrians to be in attendance: Brett Linkletter (MCDOT Highway Services Division – County Arborist,) Sarah Navid (DPS – working with Site Plan Review), and Lynn McCreary (DHCA - Housing Code Enforcement). Ms. McCreary fields complaints and tries to get homeowners or business owners to clear sidewalks abutting their properties.

Mr. Hartman clarified that this issue was also brought by Ms. Nixon before the Western Montgomery Citizens Advisory Board. He believes there are two issues: 1) the site plan review process, when the County reviews the types of shrubbery that are planted, and possible maintenance issues caused by what is planted; and 2) compliance – enforcing the maintenance of what is planted (the County responds to complaints because it isn't staffed for proactive reviews of shrubbery).

Ms. Ortuzar asked about the size of Nixon's mobility scooter, and questioned whether the problem was that the scooter was too large. Ms. Nixon cited the need for sidewalks to be ADA compliant – wide enough and with limited slant so that scooters and other mobility aides can be used by those with disabilities. Ms. Nixon pointed out that the shrubbery that cut her was hanging 6 inches over the edge of the sidewalk; it needed to be trimmed back. It is Nixon's belief that in this area of Rockville Pike, the sidewalk is too narrow and grass is too long and sidewalks are steeply slanted towards the street, making it very difficult for those needing to use mobility aides.

Ms. Navid explained that she gets involved in development review at DPS. There is a County requirement that all parking lots and garages be screened with landscaping. A lot of the landscaping planted is actually required by code - - though it does not have to come up to the edge of the sidewalk. Three different agencies review the foliage that is planted next to the sidewalk: MNCPPC (Park and Planning) under site plan process, DPS to confirm that the site plan meets code requirements and the Board of Appeals who also review site plans. All DPS is currently reviewing is whether landscaping is on the plan, not what kind of landscaping is being installed or how close to the sidewalk it is being installed. Ms. Navid does know that many developers like to plant thorny barberry bushes because it limits people cutting through the hedges. Talking to MNCPPC, it all depends on who is reviewing the plans, as to what is cited or requested. MNCPPC does have landscape

architects to help do the reviews. Sometimes it is just an architect that doesn't know much about plant species. Ms. Navid feels there hasn't been enough emphasis of exactly what types of plants are being approved for planting on private property next to ROWs.

Al Roshdieh stated the issue is not the type of foliage growing so much as its maintenance. Shrubs need to be pruned properly and kept clear of the ROW. The remedy is more the enforcement of trimming and pruning. Mr. Linkletter said many of these problems originate from a plant that will grow much too big for the space it has to grow . . . so it spills out onto the sidewalk. A six-foot landscape strip should not be planted with plants that grow over ten feet wide. Once the plants are planted, Linkletter stated they must be pruned properly - - not with sharp stubs sticking out. Mr. Migdall suggested this was an issue of efficient enforcement – getting the public to notify officials when there is a problem and then sending letters to homeowners, 80% of whom would take corrective action. There is also confusion as to which jurisdiction to contact– the public doesn't care, they just want it corrected. The 311 “single call” system should address this concern.

Ms. McCreary stated that under housing code enforcement, they do not get that many calls about shrubs and landscape impeding the sidewalks. They can have property owners cut back landscaping when they receive a complaint. Mr. Migdall suggested people don't know to call housing code enforcement. Mr. Lees said the Pedestrian Traffic Safety Audits have revealed this is a County-wide problem. Sometime establishing which jurisdiction is responsible for the problem is difficult. Multiple jurisdictions are often involved in ROWs with sidewalks.

Ms. Ortuzar stated that she walks Rockville Pike and had not had any of these problems, and felt Ms. Nixon's scooter was too wide. Richard Hoyer cited the need for clearance next to sidewalks; in bicycle planning, ASHTO specified a clearance of 1 ½ feet from the edge of bike paths. He suggested sidewalks should be evaluated for their proper width, as well as their vertical clearance. Housing Code Enforcement has standards for such clearance needs. These should be enforced. Mr. Hoyer suggested the entire public ROW, including the area outside the curb lines that include sidewalks, should be upgraded and improved whenever paving projects or other MCDOT road projects are executed. Mr. Migdall recommended that the PTSAC raise the profile of the issue and increase public awareness that maintaining clear sidewalks is a requirement and needed for safe sidewalks - - perhaps a “sidewalk vigilante” group should be created that would police the situation.

Ms. Ortuzar added that landscaping can provide beneficial barriers and buffers to vehicular traffic. Ramin Assa asked whether the sidewalk inspection program could be instituted to assure clearance is provided. Mr. Pogue cited the need for a sidewalk inventory that would identify gaps in the network and characterize sidewalks, including landscape impediments. Ms. Mitchell commented that the specifications or standards should minimally be what ADA guidelines specify. The sidewalk inventory would identify sidewalks in terms of these legal requirements. It was noted Arlington will not repave roads unless sidewalks meeting ADA standards are created on a road section - - this obtains community support, leveraging repaving work to get sidewalks approved. Mr. Dunkel pointed out that the Renew Montgomery program can address these issues in neighborhoods. Mr. Roshdieh stated that all road/sidewalk projects now built comply with ADA standards; older sidewalks are being brought up to code by the County's ADA capital project. Ms. Ortuzar and Mr. Hoyer expressed concern about lips or edges at curb ramps that present trip hazards or create barriers for wheeled items like bikes and wheelchairs.

**ACTION: Mr. Mack asked Ms. McCreary, Ms. Navid, and Mr. Linkletter confer and report back to the PTSAC at the March 4 meeting on any actions or recommendations the committee should make to the County Executive or the County Council to address this problem. He requested they advise the Committee on what the County can do to improve pedestrian access on sidewalks where landscaping along sidewalks exists.**

Mr. Britton suggested that staff check with the municipalities as to any thoughts or issues they have that should be addressed as well. Municipalities may have different issues. If very different, we may want to come up with consistent guidelines across the board.

#### **4. Welcome to the Chiefs of Montgomery County Fire and Rescue**

Mr. Mack invited the Montgomery County Fire and Rescue Service (DFRS) Chiefs to speak to the committee to discuss what the PTSAC may do or recommend to the County Executive and County Council on behalf of fire and rescue operations to make pedestrians safer. Chief Richard Bowers, David Steckel, Steve Lohr, Randy Wheeler, Mike Love, and Scott Graham introduced themselves.

Suggestions from Fire and Rescue for improving pedestrian safety included: increase pedestrian visibility by wearing bright clothing, especially for kids under 12; trees that hang low in yards and block the sidewalk or ability to use crosswalk need to be trimmed; increase education in the schools on safe pedestrian and cycling practices; continue our efforts to make changes and focus on crossing zones, with attention focused on children.

Mr. Mack asked Fire and Rescue to comment on speed humps. Fire and Rescue has a planning section that reviews all the master plans and sector plans impacts on emergency services. Speed humps are looked at because they can slow response time which is critical; speed humps need to be balance with function, quality of life, public safety, and environmental issues. Fire and Rescue is also trying to plan for the reduced sizes of roadways – access can be a big problem if roads are too narrow or vegetation and trees are blocking emergency access. Speed humps can also damage fire trucks or cause them to wear out faster. Research is being done to improve the design of speed humps so they won't impede emergency vehicle access.

#### **5. Meeting with County Executive – February 2, 7:00pm**

Mr. Mack advised the PTSAC on the upcoming meeting with the County Executive, February 2 at 7:00 pm.

**ACTION: MCDOT will send information to the Committee on the meeting with County Executive Leggett, including parking information. Mr. Dunckel needs to know who will attend.**

#### **6. New Business/Committee Comments:**

***Parking for Committee Members – County ID Card:*** Roselle Paquette will work with Security to make arrangements for those who would like County ID badges for Boards, Committees and Commissions that would enable members to park under the EOB.

**ACTION: Ms. Paquette will send an email to the committee members explaining the process of obtaining permission to park under the EOB. She will arrange for access for members who will be attending the County Executive briefing on February 2.**

#### ***Council Proposal for Modified Sidewalk Hearing Process***

The County Council has proposed changes to the hearing process for sidewalks. Mr. Roshdieh explained that under the County Executive's Pedestrian Safety Initiative, MCDOT has been working to construct more sidewalks. This is taking time in part because of the lengthy process of public hearings having to be held, even when there was universal support for a sidewalk, or it involves just a short section of sidewalk connecting two previously built links. Every project has been put through this hearing process without exception. Mr. Pogue noted the Executive's Initiative called for streamlining of this process. Mr. Roshdieh said MCDOT works on the front end to propose sidewalk projects that minimizes community impacts and have the community's support. Therefore, MCDOT has proposed to the Council that under certain circumstances, the hearing process should be by-passed so that projects universally supported by the community can be built faster. These circumstances are: the sidewalk can be totally built within the existing Public ROW; that no detailed engineering design work will be required; and that MCDOT obtains community concurrence that the sidewalk should be built by notifying the community prior to beginning construction. If opposition is expressed during this notification process, then a hearing process would be conducted. But if no opposition is expressed, then the sidewalk can be constructed without the hearing process, reducing delays to actually starting construction.

Rich Romer, Legislative Aide to Valerie Ervin, explained the proposal from the Council's perspective. In the universe of sidewalks to construct, there is known to be a subset of sidewalks that do not involve controversy and have community and property owner support. The Council wants to make it possible to build these sidewalks more quickly without the requirement for a lengthy hearing process.

Mr. Mack explained that the Council and the County Executive would like to know if there was support from the PTSAC on this proposed change to the hearing process for sidewalks. Mr. Roshdieh stated that if this passes the Council, MCDOT will be able to immediately construct 6 new sidewalks segments. The County builds many sidewalks that will continue to have hearings: if there is significant disagreement, if there is detailed design involving things like retaining walls or utility

relocations, or if there is a need to acquire ROW - - these type of projects would continue to have hearings. However, this change is focused on being able to build sidewalks that can be built quickly, and inexpensively, with community support.

**Motion: A motion was made and seconded to support the County Council's proposed change of the requirement to hold public hearings for all sidewalk projects, enabling the County to build sidewalks that have community support, do not require purchasing ROW, and do not need detailed design, without holding public hearings. The motion passed unanimously.**

Mr. Mack asked that a subcommittee be formed to investigate the general subject of sidewalks and that Ms. Ortuzar chair this subcommittee, with Mr. Romer as a member. He asked the Sidewalk Subcommittee provide a report to the PTSAC in March. Mr. Assa invited the committee to look at East Bethesda as an example of some of the problems.

Next Scheduled Meeting Date: March 4, 2010

**Meeting Adjourned at 9:34 pm**

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